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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/537,351 | 06/06/2005 | Yoshiki Ishii | 03500.018178. | 3353 |
| 5514 | 7590 | 03/30/2010 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800 | | | JONES, HEATHER RAE | |
| ART UNIT | PAPER NUMBER | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/537,351 | ISHII, YOSHIKI | |
| | Examiner | Art Unit | |
| | HEATHER R. JONES | 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 October 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 06 June 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>7/13/05, 1/6/06, 10/16/08, 5/19/09</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Aridome et al. (WO 02/077865), but all citations will be cited from Murakami et al. (U.S. Patent 7,246,127) which is the U.S. printed publication of the Aridome et al. reference.

Regarding claim 1, Murakami et al. discloses a video recording and editing apparatus comprising: first recording means (camera with a CCD that captures the video signal) for recording image data and first reference type data (Figs. 3 and 4; col. 10, lines 12-30) referring to the image data on a recording medium (40) in a video recording operation (col. 4, line 64 – col. 5, line 5; col. 6, lines 26-47); and second recording means (the camera is integrated with a digital recording and reproducing apparatus) for recording second reference type data (col. 9, lines 35-42) referring to one or a plurality of the image data and/or to one or a plurality of the first reference type data on the recording medium in a video editing operation (col. 9, lines 35-42 - the play list data is equivalent to the index information being compiled to reproduce the moving picture; col. 17, lines 45-55).

Regarding claim 2, Murakami et al. discloses all the limitations as previously discussed with respect to claim 1 including that the first recording

means automatically generates the first reference type data according to an operation for recording the input image data on the recording medium and records the generated first reference type data on the recording medium in the video recording operation (Figs. 3 and 4; col. 6, lines 26-64 - QuickTime move file; col. 10, lines 12-30).

Regarding claim 3, Murakami et al. discloses all the limitations as previously discussed with respect to claim 1 including that the second recording means generates the second reference type data on the basis of the image data and/or the first reference type data which has been recorded on the recording medium by said first recording means and records the generated second reference type data on the recording medium in the video editing operation (col. 9, lines 35-42 - the play list data is equivalent to the index information being compiled to reproduce the moving picture; col. 17, lines 45-55).

Regarding claim 4, Murakami et al. discloses all the limitations as previously discussed with respect to claim 1 including that the first reference type data is automatically generated according to an operation for recording the input image data on the recording medium (Figs. 3 and 4; col. 6, lines 26-64 - QuickTime move file; col. 10, lines 12-30) and the second reference type data is generated on the basis of the image data and/or the first reference type data which has been recorded on the recording medium by said first recording means (col. 9, lines 35-42 - the play list data is equivalent to the index information being compiled to reproduce the moving picture; col. 17, lines 45-55).

Regarding claim **5**, Murakami et al. discloses all the limitations as previously discussed with respect to claim 1 including that the apparatus further comprises editing means for editing the first reference type data, wherein said editing means edits at least one first reference type data to generate the second reference type data (col. 9, lines 35-42 - the play list data is equivalent to the index information being compiled to reproduce the moving picture; col. 17, lines 45-55; col. 17, line 56 – col. 18, line 3 - deleting and re-arranging data).

Regarding claim **6**, Murakami et al. discloses all the limitations as previously discussed with respect to claims 1 and 5 including that the editing means can perform at least one of editing processes of division, combination, and partial deletion of the image data (col. 9, lines 35-42 - the play list data is equivalent to the index information being compiled to reproduce the moving picture; col. 17, lines 45-55; col. 17, line 56 – col. 18, line 3 - deleting and re-arranging data).

Regarding claim **7**, Murakami et al. discloses all the limitations as previously discussed with respect to claim 1 including that the first reference type data has a first time coordinate system and directly refers to the recorded image data (Figs. 3 and 4; col. 6, lines 26-64 - QuickTime move file; col. 10, lines 12-30), and the second reference type data has a second time coordinate system independent of the first time coordinate system and indirectly refers to the image data by referring to the first reference type data (col. 9, lines 35-42 - the play list

data is equivalent to the index information being compiled to reproduce the moving picture; col. 17, lines 45-55).

Regarding claim **8**, Murakami et al. discloses all the limitations as previously discussed with respect to claims 1 and 7 including that the first reference type data is moving image data including QuickTime or an expansion format of QuickTime (Figs. 3 and 4; col. 6, lines 26-64 - QuickTime move file; col. 10, lines 12-30).

Regarding claim **9**, Murakami et al. discloses all the limitations as previously discussed with respect to claims 1 and 7 including that the second reference type data is play list data describing a reproducing mode of said the image data recorded on said recording medium (col. 9, lines 35-42 - the play list data is equivalent to the index information being compiled to reproduce the moving picture; col. 17, lines 45-55).

Regarding claim **10**, Murakami et al. discloses all the limitations as previously discussed with respect to claim 1 including that the apparatus further comprises reproducing means for reproducing data recorded on the recording medium, wherein said reproducing means can reproduce respective image data according to the first reference type data and the second reference type data (col. 7, line 40 – col. 8, line 67).

Regarding claim **11**, Murakami et al. discloses a video recording and editing apparatus comprising: a recording unit (camera with a CCD that captures the video signal) which records image data and first reference type data (Figs. 3

and 4; col. 10, lines 12-30) referring to the image data on a recording medium (40) in a video recording operation (col. 4, line 64 – col. 5, line 5; col. 6, lines 26-47; and an editing unit (the camera is integrated with a digital recording and reproducing apparatus) which generates second reference type data (col. 9, lines 35-42) referring to one or a plurality of the image data and/or to one or a plurality of the first reference type data on the recording medium in a video editing operation (col. 9, lines 35-42 - the play list data is equivalent to the index information being compiled to reproduce the moving picture; col. 17, lines 45-55; col. 17, line 56 – col. 18, line 3 - deleting and re-arranging data).

Regarding claim 12, Murakami et al. discloses all the limitations as previously discussed with respect to claim 11 including that the recording unit automatically generates the first reference type data to record the first reference type data on the recording medium in the video recording operation, in accordance with an operation for recording said the input image data on the recording medium (Figs. 3 and 4; col. 6, lines 26-64 - QuickTime move file; col. 10, lines 12-30).

Regarding claim 13, Murakami et al. discloses all the limitations as previously discussed with respect to claim 11 including that the editing unit generates the second reference type data to record the second reference type data, on the recording medium in the video editing operation, on the basis of the image data and/or the first reference type data which has been recorded on the recording medium by said recording unit (col. 9, lines 35-42 - the play list data is

equivalent to the index information being compiled to reproduce the moving picture; col. 17, lines 45-55).

Regarding claim **14**, Murakami et al. discloses all the limitations as previously discussed with respect to claim 11 including that the recording unit automatically generates the first reference type data to record the first reference type data on the recording medium in the video recording operation, in accordance with the operation for recording the input image data on the recording medium (Figs. 3 and 4; col. 6, lines 26-64 - QuickTime move file; col. 10, lines 12-30), and said editing unit generates the second reference data to record the second reference type data on the recording medium in the video editing operation, on the basis of the image data and/or the first reference type data which has been recorded on the recording medium by said recording unit (col. 9, lines 35-42 - the play list data is equivalent to the index information being compiled to reproduce the moving picture; col. 17, lines 45-55).

Regarding claim **15**, Murakami et al. discloses all the limitations as previously discussed with respect to claim 11 including that the first reference type data has a first time coordinate system and directly refers to the recorded image data (Figs. 3 and 4; col. 6, lines 26-64 - QuickTime move file; col. 10, lines 12-30), and the second reference type data has a second time coordinate system independent of the first time coordinate system and indirectly refers to the image data by referring to the first reference type data (col. 9, lines 35-42 - the play list

data is equivalent to the index information being compiled to reproduce the moving picture; col. 17, lines 45-55).

Regarding claim **16**, Murakami et al. discloses all the limitations as previously discussed with respect to claim 11 including that the apparatus further comprises a reproducing unit which reproduces data recorded on the recording medium, wherein said reproducing unit can reproduce respective image data according to the first reference type data and the second reference type data (col. 7, line 40 – col. 8, line 67).

Regarding claim **17**, Murakami et al. discloses all the limitations as previously discussed with respect to claim 11 including that the first reference type data is moving image data including QuickTime or an expansion format of QuickTime (Figs. 3 and 4; col. 6, lines 26-64 - QuickTime move file; col. 10, lines 12-30), and the second reference type data is play list data describing a reproducing mode of the image data recorded on said recording medium (col. 9, lines 35-42 - the play list data is equivalent to the index information being compiled to reproduce the moving picture; col. 17, lines 45-55).

Regarding claim **18**, this is a method claim corresponding to the apparatus claim 1. Therefore, claim 18 is analyzed and rejected as previously discussed with respect to claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs. 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
March 26, 2010

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621